

**ENFIELD TOWN COUNCIL  
MINUTES OF A REGULAR MEETING  
MONDAY, SEPTEMBER 19, 2016**

The Regular Meeting of the Enfield Town Council was called to order by Chairman Kaupin in the Council Chambers of the Enfield Town Hall, 820 Enfield Street, Enfield, Connecticut on Monday, September 19, 2016. The meeting was called to order at 7:30 p.m.

**PRAYER** – The Prayer was given by Councilor Stokes.

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was recited.

**ROLL-CALL** – Present were Councilors Arnone, Cekala, Davis, Deni, Edgar, Kaupin, Lee, Stokes and Szewczak. Councilors Bosco and Hall were absent. Also present were Town Manager, Brian Chodkowski; Town Attorney, Christopher Bromson; Director of Finance, John Wilcox; Director of Social Services, Dawn Homer-Bouthiette; Library Director, Jason Neely; Town Clerk, Suzanne Olechnicki

**FIRE EVACUATION ANNOUNCEMENT**

Chairman Kaupin made the fire evacuation announcement.

**MINUTES OF PRECEDING MEETINGS**

**MOTION #3828** by Councilor Deni, seconded by Councilor Stokes to accept the minutes of the August 22, 2016 Special Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3828** adopted 8-0-1, with Councilor Cekala abstaining.

**MOTION #3829** by Councilor Edgar, seconded by Councilor Arnone to accept the minutes of the August 29, 2016 Special Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3829** adopted 9-0-0.

**MOTION #3830** by Councilor Arnone, seconded by Councilor Deni to accept the minutes of the September 6, 2016 Special Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3830** adopted 8-0-1, with Councilor Stokes abstaining.

**MOTION #3831** by Councilor Edgar, seconded by Councilor Arnone to accept the minutes of the September 6, 2016 Regular Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3831** adopted 7-0-2, with Councilors Stokes and Szewczak abstaining.

## **SPECIAL GUESTS**

### **ENFIELD HUNGER ACTION TEAM**

Present was Kathleen Souvigney, Director of the Enfield Food Shelf. Ms. Souvigney was also representing the Enfield Hunger Action Team. Also present was Beatrice Maslowski from Food Share.

Ms. Souvigney stated several years ago Food Share initiated Hunger Action Teams throughout their service region, which is the northern end of Connecticut. She noted they tried to bring together a grass roots effort, which involved people from different disciplines such as Social Services, businesses, civic organizations, religious groups, charitable organizations and concerned individuals from the community to recognize and see the impact that hunger has on clients and the community as a whole.

She stated the Enfield Hunger Action Team was re-started in 2003, and she became involved a few years ago as a result of her work with the Enfield Food Shelf. She noted members meet monthly to discuss hunger-related impacts to Enfield and changes that can be affected to reduce hunger. She highlighted why it's important to explore and resolve the issue of hunger:

**Health** – a pregnant woman is more likely to experience birth complications; a child is at higher risk for chronic health conditions, i.e., asthma and anemia; a senior is more likely to experience depression, heart attacks, asthma, congestive heart failure, etc.

**Academics** – hunger also impacts the academic performance of students. It's known that when a child eats breakfast, they have a longer attention span, improved academic achievement, fewer visits to the school nurse, and there's a reduction in tardiness and absences. In the 2013/2014 School Year, 20% of Connecticut children who were eligible for free and reduced lunch, but did not take advantage of that opportunity, were chronically absent.

Ms. Souvigney pointed out hunger also impacts the economy because many dollars are lost when students don't take full advantage of programs such as free and reduced school lunch and breakfast. Enfield misses out on about \$275,000 in federal funding because it does not have full participation in the free and reduced meal program in Enfield. She pointed out it's also fiscally responsible for communities to address hunger.

She stated of the 44,699 people in Enfield, 16.5% of residents are at the threshold or below poverty levels and qualify for programs such as the Enfield Food Shelf or the Supplemental Nutrition Assistance Program (SNAP). She stated the Enfield Food Shelf is registering 8 to 10 new families every week, which indicates there's still quite a bit of need that is not met.

Ms. Souvigney stated Enfield has about 5,167 students, and 38.7% (2,000 students) are eligible for the free and reduced lunch program. She noted this also makes them eligible for the free breakfast in those schools that offer free breakfast, but only 26% of those eligible take advantage of the breakfast.

She stated school breakfast is an issue that the Enfield Hunger Action Team is hoping to help with, and they've taken some initiatives already by raising \$100,000 for the Enfield Nutrition Department to provide incentives to students during the National School Breakfast Week so that they will take advantage of breakfast.

Ms. Souvigney stated some towns are offering free breakfasts to all students regardless of income to take away some of the stigma that students feel when they go to get their breakfast, and perhaps in the future this can be considered in Enfield.

She noted Jean Haughey, Director of Youth Services, was able to get two questions pertaining to hunger on the JFK biennial survey taken last fall. She stated there are about 1,200 students at JFK, which is a good representation of what students are thinking. She pointed out 19.5% of students always or sometimes worry that food at home would run out before their family had money to buy more, and 12% of those students always or sometimes eat less because their families don't have enough money to buy food.

Ms. Souvigney stated hunger is not always visible or apparent. She noted Enfield has a lot of fixed income people such as seniors, disabled people and veterans who don't have any capability for earning additional income and they're well below the threshold. She stated Enfield has a lot of working families with both parents working, and they still have very limited earning potential.

She stated 70% of the college students at Asnuntuck qualified for free and reduced lunch in high school. She noted that probably carried through. She noted Asnuntuck actually approached the Enfield Hunger Action Team, and they will help Asnuntuck create a food pantry at the college. She noted they're going to create a grab and go situation so that between classes the students will have some food and be able to better learn.

As concerns food assistance in Enfield, people can go to Enfield Loaves and Fishes, which serves hot meals nightly. She noted the Enfield Food Shelf has a few different programs which include the weekly grocery style food assistance program, and they have a monthly box food assistance program for qualified seniors and home delivery is provided for shut-ins. She stated Mobile Food Share comes every other Friday to St. Patrick's Church, and people are able to get free produce and other perishable items. She noted they also provide emergency food assistance baskets from the Enfield Food Shelf to Neighborhood Services so people can get food assistance if the Food Shelf is closed. She went on to note they're providing SNAP enrollment whenever they are open, which is Wednesdays and Thursdays. She stated another program of the Enfield Food Shelf is called "Healthy Meals/Healthy Minds", and she's in collaboration with ERFC. She noted they do "Tonight in Thompsonville" dinners, which are free community dinners. She stated they also have the "Summer Lunch Bunch", which provides free summer lunches

for children. She stated people can call 211 at anytime and learn about any resources that might be available within the community.

Ms. Souvigney stated people can help reduce hunger in Enfield by just starting a conversation with friends and bringing issues into the open to learn how many people are hungry and take away the stigma of coming to the Food Shelf and getting assistance. She noted people can talk to business associates, schedule team building volunteer activities to help food assistance agencies, establish charitable giving programs and encourage others to support food assistance by donating goods, services or dollars. She noted people can also join the Enfield Hunger Action Team or send ideas on initiatives to fight hunger.

She stated the Enfield Hunger Action Team is having an open house at the Enfield Food Shelf on October 7<sup>th</sup> from 5:00 to 8:00. She noted meetings of the Enfield Hunger Action Team take place on the fourth Wednesday of every month at Asnuntuck Community College from 3:00 to 4:00 p.m.

Councilor Davis thanked Ms. Souvigney and Ms. Maslowski for what they do. She recommended people get involved because no one should go without food.

Councilor Arnone expressed his appreciation and noted he's proud of Enfield for all the help it provides people.

Councilor Lee stated President Lombella of Asnuntuck Community College was part of an effort to start a produce wagon at the college this summer for students who needed produce.

Councilor Arnone stated Food Share provides a massive amount of food. Ms. Maslowski stated Food Share is one of two food banks in Connecticut that's part of the Feeding America network of 200 food banks nationwide. She noted they serve only Hartford and Tolland counties, which totals 42 towns, and they distributed 11.5 million meals last year, and they do this through their partner agencies. She noted the Enfield Food Shelf is a shining example, which reaches out to the community and makes a huge difference.

## **PUBLIC COMMUNICATIONS & PETITIONS**

Steve Cogtella, 2 South River Street

Spoke about the August 29<sup>th</sup> Council meeting held in Executive Session, specifically Item #4 on that agenda – a discussion/resolution authorizing the Town Manager, or his designee to serve as Executive Director of the Enfield Community Development Corporation. He noted that although this may have fallen under the guidelines or privilege of Executive Session, many people wonder why the Council didn't hold an open meeting considering the controversy surrounding this Corporation. He noted that just last year, two members of the Corporation were relieved of their duties for financial mismanagement. He stated they owe the IRS nearly a hundred thousand

dollars in back payroll taxes, and they are currently under local and federal investigation for alleged criminal misconduct.

He stated Enfield's recent interim Town Manager had a municipal employee, who was the Executive Director, stand down and disassociate himself with this organization. He noted Council members saw the opposition residents had regarding the \$200,000 loan they requested from the Town. He stated his hope that doesn't get resurrected. He pointed out the ECDC now has the Town Manager serving as Executive Director, authorized by the Town Council behind closed doors.

Mr. Cogtella stated the Town Manager is paid \$150,000 a year to deal with Town issues, not manage a non-profit organization that broke from the Town in 2010. He noted at a recent quarterly meeting, the Town Manager stated he is the first one in and the last one to leave his office, suggesting a long and challenging day. He questioned when will the Town Manager have the time to run the ECDC, and will he take time off from his Town responsibilities and keep an accounting of hours he puts in with this Corporation? He questioned whether he will be drawing a salary? He also questioned who his designee will be, the Town Attorney when dealing with ECDC legal issues, and other Town employees as he deems necessary to run this Corporation on the taxpayers' dollar.

He stated in 2010 a Transition Committee was formed that developed and recommended specific criteria to be a seated member of the Enfield Community Development Corporation Board of Directors. He noted the purpose was to have board members with specialized skill sets and ability to carry out the mission of the Corporation. He stated unequivocally, criteria and recommendations by the Transition Committee were abandoned with this newly reorganized and expanded Board, otherwise they wouldn't need the Town Manager to serve as Executive Director

Mr. Cogtella stated earlier this year he stated to the Town Council during Public Communications that he perceived a pattern emerging, when the previous two Chairs of the Enfield Revitalization Committee were appointed as ECDC Board members, whether qualified or not. He stated he referred to this as cronyism, and that upset some people. He noted and yet, four of the seven names published last week in the Courant as ECDC Board members, are in fact from the Enfield Revitalization Strategy Committee.

He stated hopefully, this authorization of the Town Manager as Executive Director of the Enfield Community Development Corporation will not continue to be an issue. He stated serving concurrently as Town Manager and Executive Director of the ECDC is in violation of the Enfield Code of Ethics, specifically a conflict of interest. He pointed out he has a supporting legal opinion obtained from a law firm outside of Enfield so as not to be biased in any way. He noted the document details those conflicts, and he requests this opinion be entered into the record. He added he has copies for Attorney Bromson and members of the Council.

Mr. Cogtella stated he is confident upon review, Attorney Bromson, his staff, as well as the Ethics Commission, will concur with this opinion.

He emphasized the conflict of interest is far greater with the Town Manager as Executive Director of ECDC than it ever was when one of the Council members held a Board Member position, prior to his resignation.

Mr. Cogtella concluded stating the only remedy to resolve this violation is for the Town Council to instruct the Town Manager to resign from one of the two positions.

Maureen Mullen, 1625 King Street

Stated Trinity Farms, owned and operated by the Smyth Family, has been recognized as the top dairy farm in Connecticut, and they received a very special award because of this. She noted they were at the Big E on opening day and the award was presented at that time. She stated the Town should recognize them as being a very special, hard-working family for generations.

Grace Greski, 21 Till Street

Stated there's no signage informing people that these meetings are on video or are being recorded. She stated her belief that is the law.

Ms. Greski stated there's no notification when there's an increase in taxes. She noted she called the Town Hall a couple weeks ago about this matter. She stated the answer was that the State would have to cut funding, therefore, taxes were raised.

She then spoke about a brochure she received regarding Energy Performance Contracting and noted this could result in another increase in taxes. She noted once taxes go up, they never go down. She questioned why the Town neglected all these town buildings and schools.

Robert Tkacz, Hazard Avenue

Referring to Energy Performance Contracting, Mr. Tkacz stated at the last referendum there was a worksheet that listed 30 items, but this worksheet lists only 12 items. He noted one of the main things taken off the worksheet was the changing of fluorescent lights, which was on the first referendum and had to do with T8's. He stated they plan to put LED's in just about all the buildings, except the library because the library was previously done with LED's and T8's.

Mr. Tkacz stated it was inferred that the boilers were going to be changed in 11 buildings. He noted those boilers currently have a life from 13 to 54 years. He referred to the new worksheet and they're only talking about four boilers and pump upgrades. He stated it should say boiler replacements with pump upgrades if they're going to do all four buildings. He noted those four buildings are the Library, Adult Day Care, Enfield Town Hall and Eli Whitney.

He questioned what towns are using performance contracts. He noted he asked the Town Manager who are the key people he can call in those towns, but the Town Manager didn't have the answer, which indicates no one from Enfield contacted these towns to see how Honeywell is doing.

## **COUNCILOR COMMUNICATIONS & PETITIONS**

Councilor Szewczak stated she spent a lot of time going through all the Energy Performance Contracting information. She noted at the last election cycle, there were two referendums, and they encompassed all the facilities. She stated one section would be done with performance contracting and another section would be done through a facilities referendum, and this is why there are a different number of projects. She noted when they went through it, there was an option that they would not have all LED's. She stated they did not choose that option last time. She noted they've always been at a stance that it was all LED's. She stated she would like to see things updated, and she'd like to see this referendum get a "fair shake".

Councilor Deni stated a resident asked him the status of the Strand Theater.

Councilor Arnone stated there will be another opportunity for the public to get more information about Energy Performance Contracting at Nathan Hale on Monday, September 26<sup>th</sup> at 7:00 p.m.

Councilor Stokes urged people to attend the September 26<sup>th</sup> meeting regarding Energy Performance Contracting so that they can make an educated vote.

Councilor Stokes stated the Family Day on the Green went well. He commended everyone who helped organize this event. He reminded everyone that the Jack O Lantern Festival is scheduled for October 15<sup>th</sup>.

Councilor Cekala stated she attended Family Day on the Green, and they had a great turnout.

Councilor Cekala urged everyone to attend the September 26<sup>th</sup> meeting. She acknowledged buildings may have been neglected in the past, but now they're trying to solve the problem.

Councilor Davis requested a breakdown of the project be provided for the September 26<sup>th</sup> meeting.

Councilor Davis requested clarification about the question concerning the appointment of the Town Manager to ECDC.

**MOTION #3832** by Councilor Lee, seconded by Councilor Stokes to suspend the rules to address Items 14 E and F under Miscellaneous.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3832** adopted 9-0-0.

Councilor Lee expressed appreciation to Councilor Bosco and everyone else for the work they put into the Four Town Fair event.

Councilor Lee addressed himself to Ms. Greski and invited her to speak with him if she has any questions. He noted that through Performance Contracting it is hoped to pay for the projects and upgrades through savings they're not spending on utilities.

Chairman Kaupin questioned whether the Council needs to have postings informing the public that Council meetings are on video and are being recorded. Attorney Bromson stated it is permissible to video tape and record Council meetings under Connecticut law.

Chairman Kaupin referred to Ms. Greski's comment about notification regarding tax increases, and stated they've always utilized the newspaper and E-TV for that purpose.

As concerns Energy Performance Contracting, Chairman Kaupin stated his belief this is the way to go. He noted this has failed twice before. He stated there's the concept of "pay as you go" or find a way where it doesn't effect the tax rate. He noted they would take savings on utilities to pay for upgrades. He pointed out this is a contract with a guarantee.

Chairman Kaupin stated they did have a discussion about the Town Manager being able to serve on ECDC, and they were told there were no restrictions and that's why the Council approved that resolution.

He thanked the Enfield Fire District for another memorable and moving September 11<sup>th</sup> remembrance ceremony.

Chairman Kaupin stated Enfield is one of the four towns that participate in the Four Town Fair, and they had a good representation in the Four Town Parade. He noted they had good weather and a successful event.

He stated on Saturday night, the Enfield Athletic Hall of Fame had its 21<sup>st</sup> induction ceremony. He noted those recognized were the Scantic Spring Splash for their canoe and kayak race; the 1984 Fermi High School softball team, which was undefeated in the regular season, and Amy Romano was the pitcher for all 19 games; Ben Aleks-11 years as the Fermi High School wrestling coach; Judy Joslin, the boys volleyball coach at Enfield High School. He noted Judy Joslin is the only female in the State of Connecticut to coach a boys' volleyball team. He stated another honor went to Jeff Maier, Captain of baseball, basketball and cross country at Enfield High School in 1981; Keith Porcello graduated from Fermi in 1980, but after his high school athletic career, he bowled 34 perfect 300 games; Glenn Reese, 1975 Fermi graduate-cross country and track.

Chairman Kaupin expressed appreciation to Amy Witbro and everyone for their work on Family Day on the Green.

He stated this Saturday the 24<sup>th</sup> Source to Sea Cleanup will take place at the Barnes Boat Launch from 9:00 a.m. to 12:00 p.m., and this is sponsored by the Scantic River Watershed Association.



Chairman Kaupin stated there will be a quarterly public informational meeting on Monday, September 26<sup>th</sup> at 7:00 p.m. at Nathan Hale School, and this meeting will be about Energy Performance Contracting.

### **TOWN MANAGER REPORT & COMMUNICATIONS**

Mr. Chodkowski stated the Council has within their packets the Project and Activities Report for the last two weeks.

He referred to information about performance contracting and noted the Town website's main page has a link which will take people to a sub page that's specific to the information relative to this project. He noted there's a bar chart, which is up-to-date, and the additional scope of work is attached to the contract.

Councilor Arnone questioned whether there's an update on the skatepark meeting. Mr. Chodkowski noted as soon as they can get that meeting rescheduled, they'll have more information.

Chairman Kaupin requested there be handouts for the public at the Nathan Hale meeting on Monday.

Councilor Lee referred to the Town Manager's Project and Activities Report and noticed there's some work to be done on manhole covers in October. He requested there be some State DOT response regarding problem manholes on Hazard Avenue in the area between South George Washington Road to the vicinity of Kelly Fradet in Hazardville. He also requested CT DOT be asked what's holding up the street sweeping request along the divided highway in the shopping district.

### **TOWN ATTORNEY REPORT & COMMUNICATIONS**

Attorney Bromson stated he had no formal report this evening.

### **REPORT OF SPECIAL COMMITTEES OF THE COUNCIL**

#### **Enfield High School Renovation Building Committee**

Councilor Szewczak stated the new high school is in full compliance with ADA.

#### **JFK Pre-Referendum Committee**

Chairman Kaupin stated there's a meeting this Wednesday, September 21<sup>st</sup> in the Enfield Room at 6:30 p.m.

### **OLD BUSINESS**

### **APPOINTMENTS (TOWN COUNCIL)**

**MOTION #3833** by Councilor Arnone, seconded by Councilor Deni to remove Item #22 from the table.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3833** adopted 8-0-0. Councilor Lee absent at the vote.

**NOMINATION #3834** by Councilor Szewczak to appoint Joseph Muller (R) to the Inland Wetland and Watercourse Agency for a term which expires 6/30/2017.

**MOTION #3835** by Councilor Cekala, seconded by Councilor Arnone to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3835** adopted 8-0-0.

Upon a **ROLL-CALL** vote being taken, the Chair declared Joseph Muller appointed to the Inland Wetland and Watercourse Agency by an 8-0-0 vote.

**MOTION #3836** by Councilor Arnone, seconded by Councilor Deni to remove Item #23 from the table.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3836** adopted 8-0-0.

**NOMINATION #3837** by Councilor Arnone to appoint Kevin Zorda (U) to the Inland Wetland and Watercourse Agency for a term which expires 6/30/2020.

**MOTION #3838** by Councilor Stokes, seconded by Councilor Szewczak to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3838** adopted 8-0-0.

Upon a **ROLL-CALL** vote being taken, the Chair declared Kevin Zorda appointed to the Inland Wetland and Watercourse Agency by an 8-0-0 vote.

All other appointments remained tabled.

Items C through K remained tabled.

### **NEW BUSINESS**

All New Business items remained on the agenda.

## **ITEMS FOR DISCUSSION**

Items G and H remained on the agenda.

## **MISCELLANEOUS**

**RESOLUTION #3839** by Councilor Stokes, seconded by Councilor Cekala.

RESOLVED, that the Town Manager, Bryan R.H. Chodkowski, is authorized to enter into and amend contractual instruments, subject to review and approval by the Town Attorney, in the name and on behalf of the Town of Enfield with the Department of Social Services and to affix the Corporate Seal.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3839** adopted 8-0-0.

**RESOLUTION #3840** by Councilor Arnone, seconded by Councilor Stokes.

WHEREAS, on July 5, 2016; the Enfield Town Council adopted Resolution No. 3763, *A Resolution Authorizing Town Manager to Enter into Agreement with the Connecticut State Library for a State Grant for Public Library Construction* (the “Grant”); and

WHEREAS, the Grant is to provide for the replacement of the Central Library’s 48 year-old non-functioning HVAC system (the “Project”) which is estimated at a total cost of \$499,673; and

WHEREAS, the Grant will provide for 50% of the Project cost thereby requiring the Town of Enfield to directly fund 50% of the Project in an amount currently estimated at \$499,673;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ENFIELD, STATE OF CONNECTICUT, THAT:

Section 1:      The Enfield Town Council acknowledges its obligation to provide for 50% of the Project’s cost, currently estimated at \$249,836 if awarded the Grant.

Section 2:      If awarded the Grant, the Enfield Town Council shall appropriate the necessary funds within 12 months of the Grant’s awarding to meeting its obligation under said Grant.

Section 3:      That this Resolution shall take effect and be in force from and after the date of its passage.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3840** adopted 8-0-0.

## **PUBLIC COMMUNICATIONS**

Robert Tkacz, Hazard Avenue

Referring to the Strand Theater, Mr. Tkacz recalled when the Town Council gave “Save the Strand” \$200,000, but there’s never been an accounting of it.

Mr. Tkacz stated Eversource is doing big projects at Hartford Hospital and upgrading all the parking garages with LED’s because Canadian power companies are looking for more business because they’re competing with Eversource. He went on to note New York converted 250,000 streetlights to LED, and it’s estimated they’re saving \$6 million dollars a year with \$8 million dollars in repairs. He noted Enfield should know what the repair figure is. He went on to note there have been problems with LED’s, i.e., Torrington has had issues. He stated there will be some complaints due to brightness.

Steve Cogtella, 2 South River Street

Referring to the Enfield Community Development Corporation, Mr. Cogtella stated it’s not so much the Council authorizing the Town Manager to serve as Executive Director of the ECDC, but the real issue is the Town Manager holding two positions concurrently, and this is where the real conflict of interest falls into play. He stated based on the information he provided, he’s hoping the Council or Attorney Bromson follows up on this with at least an advisory opinion from the Ethics Commission, and that can be conveyed back to the public.

## **COUNCILOR COMMUNICATIONS**

Councilor Szewczak stated if anyone wished to see the State’s LED lights, they can see them on Route 20, and the new Enfield High School has LED’s lights leading down the hill to the school.

## **ADJOURNMENT**

**MOTION #3841** by Councilor Stokes, seconded by Councilor Davis to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3841** adopted 8-0-0, and the meeting stood adjourned at 8:46 p.m.

**BRANSE & WILLIS, LLC**

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September 9, 2016

Stephen Cogtella  
2 S. River Street  
Enfield, CT 06082

Dear Mr. Cogtella,

You have asked for our opinion on whether a conflict of interest exists when an Enfield public official accepts concurrent employment as executive director of a private nonprofit organization involved in redevelopment in the Town of Enfield. It is our opinion that such a conflict of interest can exist, but without more information, it is difficult to say whether one does exist.

Sec. 2-121 of the Enfield Code of Ethics states that a conflict of interest exists when a public official or municipal employee,<sup>1</sup> or their close relative, has a financial or personal interest in the outcome of any matter under consideration before them, their department, or a board or commission on which they serve. A financial interest is an interest in the result of a discretionary public action from which the individual, their close relative, or an organization in which the individual or their close relatives hold a five percent ownership interest or more would derive economic or pecuniary gain. Therefore, if the individual would derive a salary or wages from their service as executive director of this nonprofit organization, and their employment at this organization is *de facto* or *de jure* dependent on their ability to steer discretionary public actions in favor of the organization, then a financial conflict of interest would exist.

A personal interest is much broader. A personal interest is defined as an interest (not necessarily a financial interest) in either the subject matter of a matter before their board, commission, or department, or a relationship with the parties to such a matter, which may impair their impartiality. A redevelopment organization would presumably regularly appear before or otherwise deal with a variety of town boards, commissions, and departments related to economic

<sup>1</sup> A "municipal employee" is a salaried or wage-paid individual working for the town, but does not include the town manager or town attorney. A "public official" is any elected officer, the town manager, the town attorney, and any individual appointed to office by the town council, board of education, or town manager.

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and community development.<sup>2</sup> If the public official's impartiality in those matters might be affected by their relationship to the non-town party, they have a conflict of personal interest.<sup>3</sup>

A conflict of interest also exists when a public official or municipal employee accepts employment that will impair their independence or judgment, or require the disclosure of confidential information that they acquired in the course of their public duties. As executive director of this organization, the public official in question may regularly be expected, as part of their duties, to disclose to the board of directors confidential information obtained in the course of their public employment. In addition, the public official may be placed in positions where their independence and judgment vis-à-vis their official duties could be impaired by the requirements of their executive director position. This second type of conflict of interest is obviously a much more fact-specific question than the first two types, but it is a potential conflict of interest.

Regardless of the specific type of conflict of interest, I would certainly expect the Enfield Ethics Commission to play a role in ensuring that such conflicts do not arise. This does not necessarily require the filing of a complaint with the Commission. The Enfield Ethics Commission is permitted, under § 2-129(l) of the Enfield Code of Ethics, to issue advisory opinions regarding the applicability of the Enfield Code of Ethics to a particular case. I am not aware of any Ethics Commission advisory opinion regarding potential conflicts of interest when a public official accepts employment as executive director of a private nonprofit redevelopment agency. However, I am certain that if such an advisory opinion were sought, the Ethics Commission would diligently investigate and review all aspects of the potential employment.

Please feel free to contact me if you have any questions or comments.

Very truly yours,



Mark K. Branse, Esq.

MKB

M:\Cogtella\Opinion Letter on Executive Director Conflicts of Interest

<sup>2</sup> Per Chapter 4 § 2 of the Enfield Town Charter, the town manager is directly responsible to the council for the administration of all departments and agencies within the town. Therefore, if the public official in question is the town manager, they have a potential conflict of personal interest regardless of the department with which the organization is dealing.

<sup>3</sup> The prohibition in this case is reiterated in § 2-129 of the Enfield Code of Ethics, preventing public officials from accepting employment when that employment is incompatible with the proper discharge of their official duties.